No. 924

In the Supreme Court of the United States

OCTOBER TERM, 1941

ARSENAL BUILDING CORPORATION AND SPEAR & CO., INC., PETITIONERS

v.

PHILIP B. FLEMING, ADMINISTRATOR OF THE WAGE AND HOUR DIVISION, UNITED STATES DEPARTMENT OF LABOR

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES CIRCUIT COURT OF APPEALS FOR THE SECOND CIRCUIT

MEMORANDUM FOR THE RESPONDENT

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This case raises substantially the same problems as are presented by *A. B. Kirschbaum Company* v. *Fleming*, No. 910, petition for certiorari pending. For the reasons set forth in the Government's memorandum filed in that case, we do not oppose granting of the petition for certiorari in the present case.

CHARLES FAHY,
Solicitor General.

WARNER W. GARDNER,
Solicitor, Department of Labor.

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